

Remarks

Claims 1-47 were pending in the application on the date of the office action of May 16, 2006. Of these claims, claims 33-36 stand withdrawn from consideration, and are now canceled without prejudice to filing a divisional application. Claims 21-32 are allowed. Claim 14 was objected to but indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-13, 15-20 and 37-47 were rejected. Claim 21 was objected to on an informality and claim 18 was rejected under 35 U.S.C. 112.

In accordance with the afore-noted amendments, claims 18 and 21 have been amended to avoid said objection and rejection.

Claim 14 has been rewritten as two claims with varying scopes, i.e., as new claims 48 and 49. These claims should be allowable to applicants.

Claim 1 has been amended to include as a limitation "at least one water pipe feeding said at least one misting nozzle."

The Examiner has rejected claims 1-3, 5, 9-13, 15 and 16 as anticipated by Bianchi (U.S. Pat. No. 4,724,553).

Bianchi is directed to an apparatus for carrying out a continuous wrapping hydromassage over the whole body of a person only in one direction. As stated by the patentee "The arrangement is such that, when water is fed to the pipe 7 by the pump 5 and it is ejected from the nozzles 11 and 14, the body of the person standing in the cabin is hit by spouts distributed in the manner of a cylindrical helix, which form a stream of whirling water, said stream performing--according to the chosen direction of rotation--a continuous hydromassage over the whole body, from foot to head." (column 4, lines 43-

50 of Bianchi). The success of the hydromassage treatment is based on the continuous application from foot to head of an uninterrupted stream of whirling water forming a cylindrical helix, which hits the body. (see for example column 6, lines 23-26).

The device of Bianchi is not a shower for use in a confined area, such as an aircraft, where water is limited and is in accordance with the invention regulated by a controller responding to signals based on the height of the user.

The controller which is referred to by Bianchi is for “controlling the hot air circuit (in which the storage reservoir 4 heated by heating elements controlled by a thermostat, performs the function of a lung keeping the water held therein always at a temperature higher than the feeding temperature, “at a temperature higher than the feeding temperature), while the hot air circuit completes its return path through the Venturi tube 23 and comprises a separator 31 for drops. Means are moreover provided (not shown) to control--as well as the temperature and possibly the humidity of the air--also the speed at which it is blown from the nozzle 28 and its direction, so as to prevent it from blowing directly onto delicate body parts, especially on the head.” (column 6, lines 4-12 of Bianchi).

The use of rows of misting nozzles in Bianchi and the inclination of the nozzles is “according to said cylindrical helix, when the L-shaped tube 9 is caused to rotate--preferably by reaction, thanks to the tangentially directed auxiliary nozzle 11 provided for the purpose on the tube 9--the user is hit by a stream of whirling water forming a cylindrical helix.” (column 5, lines 5-10 of Bianchi).

There is no suggestion anywhere in the cited reference of a controller receiving height of the user i.e., signals so that water can be delivered in dependence on the height

of the user. This is a key factor in the acceptability of a shower system of the type herein contemplated, i.e., particularly where clean water supply and used water disposal facilities are limited.

Claim 1 includes the limitation of height sensor generating a height of user signal and this is indirectly included in all of the claims directly or indirectly dependent thereon. Claims 1-3, 5, 9-13, 15 and 16 are therefore allowable to applicant and notification to this effect is respectfully requested.

The Examiner has rejected claims 4, 6-8, 17-20 and 37-47 under 35 U.S.C. 103(a) as being unpatentable over Bianchi in view of Parker et al (U. S. Pat. No. 6,443,164).

The Examiner relied on Bianchi as above noting that Bianchi does not specifically include an input display as claimed (claim 4) but contends that Parker discloses an input display (20) for allowing a user to input commands so that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bianchi by employing the Parker reference's input display.

The Parker reference is directed to an apparatus for coating a human body with a tanning composition. Several of the figures directed to this apparatus (which is not a showering system as has been alleged by the Examiner, but rather a coating or apparatus for applying a tanning composition; a foot rinser is included but is positioned to spray the user's feet) include item 204, as for example Figs. 13, 15 and 16, but this "electronic communications equipment, such as a modem or a network communications card (either to permit communications with a local area network or another network, such as the Internet), to permit remote programming or control of one or more operations parameters, such as pump pressure or the tanning solution-to-air mixture ratio. The communications

equipment may also be used for other remote controls, such as monitoring activation of the booth in order to schedule periodic maintenance, such as refilling with sunless tanning solution, or to monitor usage to determine appropriate fees for use of the booth.” (column 17, lines 24-35 of Parker).

The Bianchi reference has been discussed above but as admitted by the Examiner does not teach an input display, wherein the invention designated commands are taught. The electronic communications component taught by Parker at column 11, lines 28 et seq states that “there is provided an input device mounted to the booth to input the height of a person standing at the predetermined location in the booth. The input device then coordinates the traversing of the arm to limit the upper height to a height equal to about the input height. In one embodiment, illustrated in FIG. 1, the input device is a keypad 204 mounted inside the booth for an operator or a user to key in the desired upper height. Alternatively, keypad 204 may be mounted outside the booth or may be located at a remote control station. In another embodiment, the input device is a height sensor mounted in the booth to measure the height of a user, as for example, but without limitation, a photo-optic, ultrasonic, or infrared sensor. FIG. 9 illustrates one such embodiment, wherein height sensor 200 is mounted to the arm 50. FIG. 7 illustrates an alternative embodiment, wherein an array of height sensors 202 is mounted to the enclosing walls 20 of the booth 10 to measure the height of a user. In designs using vertically mounted arms, the height input device may be couple to the sprayer to allow activation of spray nozzles only up to the input (measured) height, with higher mounted nozzles remaining inactive during the subsequent coating application. Alternatively, the nozzles may be manually or automatically movable along arm 50 to proportionately

adjust the heights of the nozzles. Additionally in this embodiment, the nozzles may optionally be focusable to adjust the spray patterns to optimize the overlap between adjacent spray patterns to optimize the spray for users of different heights.”

There is no recognition in the Parker patent to mount the spray nozzles (mistng nozzles in the case of the invention) in a plurality of rows, the nozzles to function in response to a signal as to the height of the user. The response is in defining the row(s) of nozzles not the location of the arm or other means provided for carrying the nozzles.

The Bianchi and Parker reference are not concerned with showers for limited spaces such as an aircraft. The Bianchi reference involves a rotating applicator, rotation is not an option when applying tanning composition as involved in Parker and accordingly would not be considered for the combination proposed by the Examiner.

It is submitted that the references taken singly or in combination do not teach or suggest the invention as set forth in the amended claims. Allowance of all of the claims in addition to those already indicated allowed or allowable is accordingly respectfully requested.

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Respectfully Submitted
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